

Application Serial No. 10/738,930

Date April 17, 2006

Reply to Office Action dated December 16, 2005

Page 6 of 10

REMARKS

Upon entry of this Amendment claims 1-23 are pending in the Application. Claims 1-12 have been withdrawn from consideration. Claims 13-23 currently stand rejected.

Entry of this Amendment under the provisions of 37 C.F.R. § 1.116 is respectfully requested.

The Office Action of December 16, 2005 has been received and carefully considered. In response thereto, this Amendment is submitted. It is submitted that, by this Amendment, all bases of rejection and objection are traversed and overcome. Reconsideration is, therefore, respectfully requested. The present invention is a watershield mountable on a vehicle door. The watershield is configured to address the need to stop both water and sound in the same space. The device depicted and claimed is configured to provide both hydrophobicity and restrictive air flow acoustical absorption in an automotive vehicular door application for a combination of water and sound management.

Claim 13 currently stands rejected under 35 U.S.C. § 102(b) as being anticipated by the Juriga reference. Claim 13 has been amended to specify that the water shield consists of means for forming a first layer of hydrophobic air restrictive but breathable face scrim and means for forming a second layer of an open cell polymeric foam as well as means for joining the first and second layers together. It is respectfully submitted that the Juriga reference fails to teach or suggest a water shield consisting of these three elements. In contrast, the Juriga reference is composed of a plurality of layers and sublayers positioned and configured to provide the insulation characteristics disclosed in that reference.

The Juriga reference is directed to an insulated laminate configured for use in a vehicle headliner or in non-automotive structural applications including office partitions (see Juriga, column 1, lines 10-13). The reference lacks any teaching or suggestion of a water shield mountable on a vehicle door consisting of means for forming a first layer of a *hydrophobic*, air restrictive but breathable face scrim; means for forming a second layer of an open-cell polymeric foam; and means for joining the first and second layers together. The Juriga reference fails to teach or suggest use of a hydrophobic, breathable face scrim. It is submitted that the hydrophobicity of the scrim as set forth in claim 13 contributes to the utility of the configuration in applications such as automotive

Application Serial No. 10/738,930

Page 7 of 10

Date April 17, 2006

Reply to Office Action dated December 16, 2005

doors where exposure to water is possible or probable. The disclosure in Juriga, being directed to a headliner, fails to teach or suggest water shield capacity or capability.

Further, it is submitted that the Juriga reference fails to teach or suggest the hydrophobicity characteristic in combination with a restrictive air flow acoustical absorber. The Juriga reference, directed as it is to a headliner, fails to teach or appreciate a restricted air flow acoustical absorber. In short, the Juriga reference fails to teach, suggest, or appreciate a construction useful for both stopping water infiltration and attenuating or minimizing sound in the same device, space, and location. Thus, it is submitted that the Applicants' invention as set forth in claim 13 is not taught, anticipated, or rendered obvious by the Juriga reference.

Claims 14, 15, 17, 19, and 23 currently stand rejected under 35 U.S.C. § 102(b) in view of Thompson. The Examiner indicates that the Thompson reference discloses an acoustical insulating web and a method for attenuating sound waves comprising a laminate of a nonwoven insulation web comprising thermoplastic fibers and a scrim layer. The Examiner indicates that, although the Application has previously amended to claims to include a "consisting of" limitation, the overall claim is still written in open language. The Examiner concludes that the shield can still include additional components. Therefore, the Examiner concludes that the Thompson reference still reads on the claimed invention.

Claims 14 and 23 have been amended to specify that the vehicle door shield consists of the laminate defined therein. Because the Thomson reference teaches elements in addition to the first and second layers described in claims 14 and 23, it is submitted that the Thompson reference fails to teach or suggest the currently claimed invention. Additionally, claims 14 and 23 have been amended to specify that the controlled permeability nonwoven scrim is hydrophobic. Support for this is found in claim 13 as originally presented.

It is submitted that the Thompson reference fails to teach or suggest that the scrim layer can have hydrophobicity. Indeed, the Thompson reference specifically teaches that a thermoplastic film is included to provide the desired water impermeability. This reference directs the skilled artisan away from the construction set forth in claims 14 and 23.

Claims 15, 17, and 19 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Thompson reference. Claims 15, 17, and 19 depend from independent claim 14 to contain all of the limitations found therein. By this dependency, it is submitted that the

Application Serial No. 10/738,930
Date April 17, 2006
Reply to Office Action dated December 16, 2005

Page 8 of 10

Applicants' invention is not taught, anticipated, or rendered obvious by the Thompson reference for the reasons discussed previously in conjunction with claim 14.

Claim 18 currently stands rejected under 35 U.S.C. § 102(b) as being anticipated or in the alternative under 35 U.S.C. § 103(a) as being rendered obvious by the Thompson reference. The Examiner contends that, while Thompson fails to disclose the claimed air permeability, it is reasonable to presume that air permeability is a property inherent to the Thompson et al. invention. The Thompson reference is directed to a foil or generally planar thermoplastic film 14 adapted to act as a water barrier or shield or deflector to which the acoustical insulation web of Thompson is attached. It is respectfully submitted that the use of the film 14 negates air permeability. Thus, it is submitted that the Applicants' invention as set forth in claim 18 is not taught, anticipated, or rendered obvious by the Thompson reference.

Claim 16 currently stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson in view of Klaff. The Examiner contends that it would have been obvious to use the perforated film as the scrim. Claim 16 depends from claim 14 to contain all of the limitations found therein. By this dependency, it is submitted that the Applicants' invention as set forth in claim 16 is not taught, anticipated, or rendered obvious by the cited references for the reasons discussed previously in conjunction with claim 14. It should also be noted that the Klaff reference teaches the use of a nonwoven batt of chemical resistant fibers to provide water resistance. A scrim is added to provide strength to the batt rather than for the purpose noted by the Examiner.

Claims 20-22 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson in view of Potts. The Examiner indicates that the Potts reference discloses a nonwoven laminiferous structure comprising two adjacent nonwoven layers and a scrim layer interposed therebetween. The Examiner indicates that the Potts reference discloses that an additive can be added to the laminate including siloxane containing compounds and that the laminate can comprise an SMS structure. The Examiner concludes that it would have been obvious to employ Potts in view of the Thompson reference. Claims 20-21 depend either directly or indirectly from claim 14 to contain all of the limitations found therein. By this dependency, it is submitted that the Applicants' invention as set forth in claims 20 and 21 is not taught, anticipated, or rendered obvious by the cited references.

Application Serial No. 10/738,930
Date April 17, 2006
Reply to Office Action dated December 16, 2005

Page 9 of 10

Claim 22 depends from claim 14 to specify that the controlled permeability hydrophobic nonwoven scrim is formed as a spun-bond melt-blown spun-bond trilaminate. Previously, the Examiner has cited the Potts reference at column 16, lines 32-36 specifying a trilaminate composed of a polypropylene spun-bonded web, a polypropylene meltblown web containing an additive that renders the fibers hydrophilic (water wetable), and a polypropylene spun-bonded web. It is submitted that this is in direct contravention to the present invention, which specifies that the first layer is hydrophobic. Thus, it is submitted that the Applicants' invention as set forth in claim 22 is not taught, anticipated, or rendered obvious by the cited references.

In summary, claims 13, 14, and 23 have been amended. Arguments have been presented as to why the Applicants' invention as set forth in claims 13-23 are not taught, anticipated, or rendered obvious by the cited references. In view of this, it is submitted that the Applicants' invention as set forth in these claims is suitable for allowance. A Notice of Allowance is, therefore, respectfully requested.

Respectfully submitted,

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